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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUL 27 2007

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF
CORDES LAKES WATER COMPANY FOR A
PERMANENT RATE INCREASE.

DOCKET NO. W-02060A-07-0256

RATE CASE
PROCEDURAL ORDER

BY THE COMMISSION:

On April 24, 2007, Cordes Lakes Water Company ("Company" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an increase in its permanent rates and charges.

On May 23, 2007, the Commission's Utilities Division ("Staff") issued a notice of insufficiency pursuant to A.A.C. R14-3-103.

On July 6, 2007, Staff filed a letter indicating the Company's rate application was sufficient, and classifying the Company as a Class C utility.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall commence on **November 8, 2007 at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that the **Staff Report** and/or any direct testimony and associated exhibits to be presented at hearing on behalf of Staff shall be reduced to writing and filed on or before **September 28, 2007**.

IT IS FURTHER ORDERED that any **direct testimony and associated exhibits** to be presented at hearing on behalf of intervenors shall be reduced to writing and filed on or before **September 28, 2007**.

1 IT IS FURTHER ORDERED that any **rebuttal testimony and associated exhibits** to be
2 presented at hearing by the Company shall be reduced to writing and filed on or before **October 12,**
3 **2007.**

4 IT IS FURTHER ORDERED that any **surrebuttal testimony and associated exhibits** to be
5 presented by the Staff and/or intervenors shall be reduced to writing and filed on or before **October**
6 **19, 2007.**

7 IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be
8 presented at the hearing shall be presented orally at the hearing.

9 IT IS FURTHER ORDERED that any **objections to any testimony or exhibits** which have
10 been prefiled as of November 19, 2007, shall be made on or before **October 26, 2007.**

11 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
12 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
13 scheduled to testify.

14 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
15 105, except that all motions to intervene must be filed on or before **August 31, 2007.**

16 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
17 regulations of the Commission, except that: any objection to discovery requests shall be made within
18 7 days¹ of receipt and responses to discovery requests shall be made within 10 days of receipt;
19 thereafter, objections to discovery requests shall be made within 5 days and responses shall be made
20 in 7 days; the response time may be extended by mutual agreement of the parties involved if the
21 request requires an extensive compilation effort; and no discovery requests shall be served after
22 September 28, 2007.

23 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
24 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
25 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
26 request, a procedural hearing will be convened as soon as practicable; and that the party making such
27

28 ¹ "Days" means calendar days.

1 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
2 hearing provide a statement confirming that the other parties were contacted.²

3 IT IS FURTHER ORDERED that any motions filed in this matter that are not ruled upon by
4 the Commission within 10 days of the filing date of the motion shall be deemed denied.

5 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
6 the filing date of the motion.

7 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
8 of the response.

9 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
10 this matter, in the following form and style:

11
12 **PUBLIC NOTICE OF HEARING ON THE RATE APPLICATION**
13 **OF CORDES LAKES WATER COMPANY**
Docket No. W-02060A-07-0256

14 On April 24, 2007, Cordes Lakes Water Company ("Company") filed an application
15 with the Arizona Corporation Commission for an increase in its rates and charges.
Copies of the Company's application and proposed tariffs are available at its office and
the Commission's offices for public inspection during regular business hours.

16 The Commission will hold a public hearing on this matter beginning **November 8,**
17 **2007** at 9:30 a.m. at the Commission's offices, 1200 West Washington Street,
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

18 The law provides for an open public hearing at which, under appropriate
19 circumstances, interested parties may intervene. Intervention shall be permitted to any
20 person entitled by law to intervene and having a direct and substantial interest in the
21 matter. Persons desiring to intervene must file a written motion to intervene with the
Commission no later than **August 31, 2007**. The motion to intervene must be sent to
the Company or its counsel and to all parties of record, and shall contain the
following:

- 22 1. The name, address, and telephone number of the proposed intervenor
23 and of any party upon whom service of documents is to be made if
different from the intervenor.
- 24 2. A short statement of the proposed intervenor's interest in the
25 proceeding (e.g., a customer of the Company, a shareholder of the
26 Company, etc.).

27
28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before
seeking Commission resolution of the controversy.

- 1 3. A statement certifying that a copy of the motion to intervene has been
2 mailed to the Company or its counsel and to all parties of record in the
3 case.

4 The granting of intervention, among other things, entitles a party to present sworn
5 evidence at the hearing and to cross-examine other witnesses. However, failure to
6 intervene will not preclude any interested person or entity from appearing at the
7 hearing and providing public comment on the application or from filing written
8 comments in the record of the case. You will not receive any further notice of this
9 proceeding unless you request it.

10 If you have any questions about this application, or want further information on
11 intervention, you may contact the Consumer Services Section of the Commission at
12 1200 W. Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

13 The Commission does not discriminate on the basis of disability in admission to its
14 public meetings. Persons with a disability may request a reasonable accommodation
15 such as a sign language interpreter, as well as request this document in an alternative
16 format, by contacting Linda Hogan at LHogan@azcc.gov, voice phone number (602)
17 542-3931. Requests should be made as early as possible to allow time to arrange the
18 accommodation.

19 IT IS FURTHER ORDERED that the Company shall provide notice as follows:

- 20 • by **publishing by August 17, 2007**, a copy of the above notice in a newspaper of
21 general circulation in the service area; and
22 • by **mailing by August 17, 2007**, a copy of the above notice to each of its customers.

23 IT IS FURTHER ORDERED that the Company shall file certification of the provision of
24 notice as soon as practicable after notice has been completed.

25 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publishing
26 of same, notwithstanding the failure of an individual customer to read or receive the notice.

27 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
28 Communications) applies to this proceeding and shall remain in effect until the Commission's
29 Decision in this matter is final and non-appealable.

30 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
31 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

32 ...

33 ...

34 ...

1 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 27th day of July, 2007.

5
6
7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE


9 Copies of the foregoing mailed
10 this 27th day of July, 2007 to:

11 Mr. Neil Folkman
12 Authorized Representative
13 CORDES LAKES WATER COMPANY
2501 East Palo Verde
Phoenix, AZ 85016

14 Christopher Kempley, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

17 Ernest Johnson, Director
18 Utilities Division
19 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

20 Arizona Reporting Service, Inc.
21 2627 North Third Street, Suite Three
Phoenix, Arizona 85004-1103

22 By: 
23 Debra Broyles
24 Secretary to Marc E. Stern
25
26
27
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